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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,789	11/15/2001	Joseph Celi JR.	BOC9-2001-0037 (280)	4876
40987	7590	10/24/2006	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/003,789		CELI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Quynh H. Nguyen		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6 and 8-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Response to Amendment***

2. Applicant's amendment filed 8/17/06 has been entered. Claims 1, 6, and 9 have been amended. No claims have been cancelled. No claims have been added. Claims 1-3, 5-6, and 8-16 are still pending in this application, with claims 1, 6, and 9 being independent.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-3, 5-6 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelleher et al. (Pub.No: US 2002/0118808) in view of O'Malley et al. (U.S. Patent 6,625,271).

Regarding claim 1, Kelleher et al. teach the steps of: establishing a voice browsing session between a calling party (user 20a) and the voice browser (Fig. 1, voice browser 53) provided by a voice server (Fig. 1, voice server 55) that interfaces with a telephony network (Fig. 1, communication network 70) via a gateway (Fig. 1, in web portal system 25 and user interface 32) (page 2, [0017] – *where Kelleher et al. discussed to operate the conference, initializing user 20a invokes the user interface 32 via a user interface device 36, voice browser 53 answers the phone*); establishing a

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conference to conference at least one additional party using an application level component (page 1, [0007]; page 3, [0022], lines 9-15 - *where Kelleher discussed the web portal program 23 invokes a conference program 48 to connect users*) connects parties or users into the voice browsing session (page 3, [0022]), conference providing a voice communications link between the calling party and additional party established via the telephony network (page 3, [0021] and [0022]).

Kelleher et al. do not explicitly teach generating a single voice data streams by aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream; and sending the single voice data stream for processing to the voice browser.

O'Malley et al. teaches generating a single voice data streams by aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream (Fig. 7B; col. 6, lines 28-37); and then outputs the summed audio signal for the conference to the audio processors (col. 6, lines 40-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of coordinating voice data streams between the calling party and the at least one additional party to output streams for participants to a conference call, as taught by O'Malley, in Kelleher's conference system, thus making the system more efficient by providing participants of a conference independent and discrete control of audio signal strength.

Regarding claims 2 and 10, Kelleher et al. teach the conferencing step conferences additional parties into the voice browsing session and wherein the application level component is a voice markup application (page 2, [0022]).

Regarding claims 3 and 11, Kelleher et al. teach providing an identifier associated with said additional party from the voice browser to the conferencing component (page 2, [0017], lines 1-13); and initiating an outbound call from the conferencing component to the additional party (page 3, [0022], lines 9-15).

Claims 5-6, and 12-13 are rejected for the same reasons as discussed with respect to claim 1. Furthermore, Kelleher et al. teaches sending the single voice data stream to the voice browser / voice server (page 2, [0017], lines 14-34).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Kelleher et al. teach a machine-readable storage, having stored a computer program having a plurality of code sections executable by a machine (page 1, [0012], lines 10-19, page 3 [0013], conference client program 48, conference calling program 60).

Regarding claims 14-16, Kelleher et al. teach conferencing step occurs within a VoiceXML programming environment (page 2, [0013] - [0014]).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelleher et al. (Pub.No: US 2002/0118808) in view of O'Malley et al. (U.S. Patent 6,625,271) and further in view of Rabenko et al. (U.S. Patent 6,765,931).

Regarding claim 8, Kelleher et al. and O'Malley do not teach a discriminator configured to discriminate between a voice data stream of the calling party and the additional party and selectively route audio from the voice browser to at least one voice browser.

Rabenko et al. teach a discriminator configured to discriminate between a voice data stream of the calling party and the additional party and selectively route audio from the voice browser to at least one voice browser (col. 47, lines 20-32).

Discriminating whose voice in a conference or telephone conversation is desirable. The advantage of distinguishing the voice of a person that is talking during any conversation is also well known. For example, in a call center, while a customer service representative or agent is helping a customer, discriminating the voice of the agent and the customer is helpful to know that during the conversation between the agent and the customer how long the agent spent talking.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Response to Arguments***

6. Applicant's arguments filed 8/17/06 have been fully considered but they are not persuasive.

Applicant argues that Kelleher fails to disclose generating a single voice data stream by aggregating voice data streams of a calling party with those of one or more additional parties. Examiner respectfully submits that Kelleher teaches first, user 20a starts the conference process (page 2, [0017] – *where Kelleher et al. discussed to operate the conference, initializing user 20a invokes the user interface 32 via a user interface device 36, voice browser 53 answers the phone*); and then establishing a conference to conference additional parties / multiple parties using an application level component (page 1, [0007]; page 3, [0022], lines 9-15 - *where Kelleher discussed the web portal program 23 invokes a conference program 48 to connect users*) to connect parties or users into the voice browsing session (page 3, [0022]); and Examiner relies on the secondary reference O'Malley that teach O'Malley et al. teaches generating a single voice data streams by aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream (Fig. 7B; col. 6, lines 28-37). The combination of the two references teaches the claims invention. Applicant further argues that Kelleher fails to disclose sending the single voice data

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stream to a voice browser for processing. Again, as discussed above O'Malley teaches sending the single voice data stream to a voice browser for processing (Fig. 7B; col. 6, lines 28-37).

Applicant mainly argues that O'Malley's audio signals do not comprises a data stream that is suitable for processing with a voice browser and requires hardwired circuitry. Examiner respectfully submits that the primary reference, Kelleher, teaches establishing a conference to conference at least one additional party using an application level component (page 1, [0007]; page 3, [0022], lines 9-15 - *where Kelleher discussed the web portal program 23 invokes a conference program 48 to connect users*) and do not requires hardwired. O'Malley teaches digital signal processor (DSP) digitized audio signals associated with conference participants who are speaking to provide a summed conference signal (col. 1, lines 48-59). The combination of the two references teaches the claims invention.

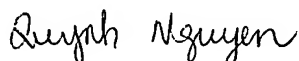
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Quynh H. Nguyen**  
**Primary Examiner**  
**Art Unit 2614**